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ABSTRACT

This teaching guide outlines an 18 week elective course on criminal justice for use in grades 11 or 12. The course consists of five units and is intended to help students learn about law, crime and law enforcement, courts, corrections, and capital punishment. Throughout the course there is extensive participation of law enforcement and other law-related professionals in the classroom. Lawyers, police, juvenile court workers, judges, probation officers, sheriff's officers, a corrections officer, and a parolee make presentations relevant to the unit topics under study. The guide gives a brief description of what the presentation should cover. The course also emphasizes current issues. Both teachers and students are encouraged to bring into class and discuss newspaper clippings which are related to classwork. Students are involved in many other activities as well. These include reading books, viewing filmstrips, playing games, writing research papers on a legal topic, giving written or oral book reports, riding along with the police, visiting a court, and conducting a survey of school crime and violence. There is some emphasis given to Wisconsin law. However, teachers from other states can easily use the guide by substituting material on their own state laws. Print and nonprint resources needed to teach the course are cited. The Appendices, which comprise the major portion of the publication, contain some student worksheets and tests.
(Author/RM)

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CRIMINAL JUSTICE

An Upper-Level Social Studies Elective

SO 012 315

Eau Claire Memorial High School
1977-78

CRIMINAL JUSTICE

William O'Gara
Eau Claire Memorial High School

The "Criminal Justice" course is an upper-level social studies elective which developed from a contemporary issues course. It is built upon extensive participation of law enforcement and other law-related professionals in the classroom. This outside participation and attention to the current scene are an integral part of the course, and the following considerations should be kept in mind.

1. Throughout the course, the teacher should try to bring into class clippings from the newspaper which are related to classwork. Once this practice is begun, the students will begin to bring them in themselves, which can provide an excellent take-off for discussion.

2. The teacher should take an active role during guest presentations and should discuss this with the speaker ahead of time. It can be helpful to a guest if the teacher writes the unfamiliar terms on the board, asks for definitions of terms, etc., since this will keep the class involved and make sure that the presentation is understood.

3. Each outside speaker's presentation should be followed in the succeeding class session by a review. This review should be so constructed as to include student evaluation of the speakers, for the teacher's future reference, and opinion questions for student discussion.

Each class period which requires prior arrangement for a guest speaker or a field trip has been noted with asterisks (**) in the lefthand margin.

CRIMINAL JUSTICE

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COURSE: Criminal Justice GRADE: 11-12 TEXT: Multiple Texts LENGTH: 1 Semester

COURSE NUMBER: _____ CREDIT: ½ credit

STATEMENT OF PHILOSOPHY (AND OVERVIEW)

Topics or Units	Time Allotment	Objectives, Values, Skills, and Concepts to be developed	Instructional approach, Techniques and Process, Suggested Major Activities	Evaluation	Text and Source, Materials, References, etc.
I. Law	3½ wks	1. Concept of law 2. Origin of law 3. Types of law 4. Legal terminology (Incl. spelling) 5. Role of lawyer in C. J. system (law careers) 6. Scope of law in everyday life 7. Legal implications of the Bill of Rights 8. Familiar with state statutes, especially criminal statutes	1. Reading and discussion 2. Lawyer presentations 3. Research activities from statute books 4. Awareness activities and current events discussion 5. Exercise applying statute law to criminal activities	Essay exam Also participation in activities and discussion	Wisconsin Criminal Statutes Legal reference materials
II. Crime	4½ wks	1. To identify: Types of crime, views on causes and prevention of crime, cost of crime, and gun control issue. 2. Encourage decision-making: How to limit crime in our society.	1. Instructor presentations 2. Reading and discussion 3. Police presentations: Crime in Eau Claire 4. Media presentations: Filmstrip: Fight Against Crime	Essay exam Also participation in activities & discussion	Crime and Criminals In The Interest Of . . . . . Juvenile Justice in Wisconsin

Topics or Units	Time Allotment	Objectives, Values, Skills, and Concepts to be developed	Instructional approach, Techniques and Process, Suggested Major Activities	Evaluation	Text and Source, Materials, References, etc.
			Filmstrip: Violence in Society Film: How to Say No To A Rapist and Survive Filmstrip: You and The Law Follow crime in paper as a quarter project		
III. Law Enforcement	2 wks	1. Role of law enforcement officer in society 2. Powers and restrictions on L. E. personnel 3. Terms appropriate to law enforcement 4. Specific law enforcement procedures 5. Careers in law enforcement	1. Reading and discussion 2. Study guide for terminology and procedure 3. Police presentations a) E.C. Police Dept. b) Arrest procedures 4. Lawyer presentation (Lawyer evaluation of police procedures) 5. Filmstrips (open-ended on arrest procedures) a) Juvenile Thief b) Marijuana Possession 6. Ride-Along Program encouraged as a quarter activity	Essay exam	Law Enforcement and The Courts

Topics or Units	Time Allotment	Objectives, Values, Skills, and Concepts to be developed	Instructional approach, Techniques and Process, Suggested Major Activities	Evaluation	Text and Source, Materials, References, etc.
IV. Courts	3 wks	1. Operation of the various levels of courts 2. Appropriate terminology 3. Types and functions of juries 4. Problems in the court system and suggestions for reform	1. Reading and discussion 2. Identification and spelling of terms 3. Instructor presentations - Changes in system 4. Lawyer presentations - Tracing felony and misd. through criminal court - Juries 5. District Attorney presentation - His job plus public defenders 6. Filmstrip: Our Courts: The Cost of Justice 7. Visit court as a possible quarter project	Essay exam	Law Enforcement and The Courts In The Interest Of . . . . . Juvenile Justice in Wisconsin
V. Corrections	3½ wks	1. Reasons for prisons 2. Who goes to prison 3. Sentencing proced. 4. Types of prisons 5. Terminology appropriate to corrections 6. Prison problems 7. Alternatives to incarceration 8. Decision making: Plan a correc-	1. Reading and discussion 2. Terminology spelling 3. Instructor presentations: - Prison stats. 4. Corrections officer presentation: - Rules of probation and parole - State prison system	Essay exam	After Conviction America's Prisons In The Interest Of . . . . . Juvenile Justice in Wisconsin

Topics or Units	Time Allotment	Objectives, Values, Skills, and Concepts to be developed	Instructional approach, Techniques and Process, Suggested Major Activities	Evaluation	Text and Source, Materials, References, etc.
			5. Activities in decision-making: - Design a prison - Sentencing - Parole Board 6. Presentation by parolee 7. Presentation by jail officer 8. Media- Slides: Wi. Prisons Film: Price of a Life Filmstrip: Prisons and Prison Reform 9. Tours: County Jail, Juvenile Corrections Facility		
VI. Capital Punishment	1½ wks	1. Establish a position after reading materials on both points of view	1. Pre-poll the class 2. Reading and discussion 3. Instructor presentation on current status 4. Opinion poll 5. Filmstrip: Changing Views on Capital Punishment	Position paper	Capital Punishment Current articles

CRIMINAL JUSTICE

TEACHING OUTLINE

I. Introduction to the course

A. Units

1. Law (4 weeks)

2. Crime and law enforcement (5 1/2 weeks)

3. Courts (2 1/2 weeks)

4. Corrections (4 1/2 weeks)

5. Capital punishment (1 1/2 weeks)

B. Approach (explain to class)

1. Issue-oriented (mention watching for related newspaper stories throughout course)

2. Study of system and analysis of whether it works

3. Emphasis on Wisconsin law

4. Extensive use of outside resource people

a. Outline for the students their responsibilities during presentations by outside speakers (having questions in mind, being attentive, etc.).

b. Speakers form an integral part of course content (students should take notes!).

c. Mention that students will be asked to help evaluate speakers' presentations.

C. Outside assignments: one must be completed for each quarter from the options listed below.

1. Newspaper project: Follow the police or court reports for one month, collect the articles, and submit them with a chart and analysis.

2. Research paper on a legal topic (5-10 pages)

3. Written or oral book report on a legal topic

4. Field experience: prepare a report on one of the following:

a. Ride-along program with police

b. Court visit

c. Survey of school crime and violence

d. Survey of violence on television

D. Importance of notes: Emphasize to the class that they should take careful notes in class, and that there will be assignments which require gathering information, which they should keep in their notebooks. Such notes can be used on tests. (These include the list of terms to define which is assigned under II. E. below [Appendix 2].)

II. Unit 1: LAW (4 weeks)

A. Introduction: discussion based on the following questions:

1. What is law?

2. Why are there laws?

3. How does law affect your life?

B. Assignment for next session:

List all the things which you do in a day from the time you get up to the time you go to bed, point by point. See if you can find one thing which you do which is not related to law.

C. Pre-test of terms (Appendix 1)

Give the students 10-15 minutes to complete the test, then discuss the items together. Students should keep the tests and use them for reference. The main purpose is for them to recognize how much they don't know.

D. Reading assignment (allow 2 weeks for completion):

Gary E. McCuen, Criminal Justice. Greenhaven Press (Opposing Viewpoints Pamphlets), 1975.

(Assignment is for the whole book.)

E. Assignment: terms to define (Appendix 2)

Give students the list of terms to define over the next three weeks. These should be put in their notebooks for reference. (Some time for this project should occur in class periods.)

F. Discussion of assignment from II. B. above

Go through the list of things which students have compiled and elicit their comments on the involvement of law in daily life. You should be able to point out involvement for every action which they come up with. For example, bed and pillow are governed by law (see the tags on mattresses and pillows); sidewalks, time, food, etc. are all regulated.

G. List of prohibited acts (Appendix 3)

Go through the list of prohibited acts with the class, trying to identify the one which is not illegal (item 4). Several of these are questionable; generate as much discussion as possible.

H. If time permits, have students work individually on the list of terms to define.

I. Discussion of assigned reading (II.D.)

1. Guidelines

a. Emphasize that these are just opinions.

b. The opinions are conflicting: are they objective?

c. Who are the authors?

d. What is their frame of reference?

(1) What does this term mean?

(2) What is your (the student's) frame of reference?

(This becomes important in, for instance, Ehrlichman's article on white collar crime in a later reading assignment in Crime and Criminals.)

e. Are blacks victimized by the system?

2. Point out that there are essentially two positions:

a. The system is too strict.

b. The system is too permissive.

3. Lead into a discussion of the following kinds of questions:

a. How much is too much law?

b. What should be the limits of the law?

c. Is there a lag in the law (blue laws)?

d. How do laws change with social change?

J. Preparation for next sessions (attorney presentations)

Identify the attorney(s) who will be coming to class, explain the students' responsibilities while he or she is there, and assign the judicious taking of notes.

**K. Attorney presentation: Lawyers and the Law

1. Lawyers: their qualifications and a description of their job (for instance, a list of the kinds of cases handled in a week, traveling involved, research, etc.)

2. What is the law?

   a. Sources (statutes and courts)

   b. Categories (federal, state, county and municipal ordinances, etc.)

Note to the teacher: Introduce the attorney, encourage students to ask questions during the presentation, and be prepared yourself to help with asking questions and encouraging discussion if necessary.

**L. Attorney presentation: The Constitution and the Criminal Justice System

This presentation should consist of an examination of the Constitutional Amendments which apply to the criminal justice system (14, 1, 2, 4, 5, 6, 7, 8, and 9) and some examples of cases brought under those Amendments. The attorney should be aware of the need to explain very basic terms, such as exactly what he or she means by the word "case".

M. Review of main points covered in attorney presentation on previous day

N. Statute book assignment (See Appendix 4 for worksheets.)

Have both the large two-volume set of the Wisconsin Statutes and a full class set of the smaller paperbound volumes dealing with the criminal code. Explain what the statute books actually are: where the laws came from, what all is contained in the statutes, etc.

1. Civil statutes

   For each of the following chapters of the statutes, the students are to examine the chapter and report orally. This may be assigned either to groups of 2-3 students or as an individual project.

   48 Children's Code
   118 General School Operations
   146 Miscellaneous Health Provisions
   161 Uniform Controlled Substances Act
   163 Bingo Control Act
   176 Intoxicating Liquors
   245 Marriage
   247 Actions Affecting Marriage
   350 Snowmobiles

2. Criminal statutes

   Students are to examine each of the following chapters and write up a report using the guiding questions from the worksheets. This assignment should be done individually and retained as part of their notes.

939 General Provisions
940 Crimes Against Life and Bodily Security
941 Crimes Against Public Health and Safety
942 Crimes Against Reputation and Civil Liberties
943 Crimes Against Property
944 Crimes Against Sexual Morality
945 Gambling
946 Crimes Against Government and Its Administration
947 Crimes Against Public Peace, Order and Other Interests
948 Crimes Against Animals

O. Individual work on legal terms and statute assignment (2 class sessions)

P. Oral reports by students on civil statutes

Draw out the main points of the chapters by questioning; the object is to acquaint students with the kinds of things which are regulated by the state.

Note to teacher: Sometime during the third week of the course, pass out slips of paper to get the students' ideas on what their individual projects are going to be (options noted under I.C.)

**Q. Attorney presentation; The Wisconsin Criminal Statutes

This presentation should be a discussion of the criminal chapters of the statutes, with emphasis on chapter 939. Points to be brought out are that not all crimes are prosecuted, the definition of a crime, what is meant by "party to a crime" and "attempting" a crime, the distinction between a fine and a forfeiture, and explanation of what a plea is. If time permits, the attorney could deal with student questions on other chapters, e.g. 940, distinguishing between murder and manslaughter, etc.

R. Review of attorney presentation.

S. Completion of any student presentations not given under II.P.

T. Individual work on legal terms and statute assignment.

U. Exercise interpreting the criminal statutes (Appendix 5)

Divide the class into groups of 2-3 and distribute the paperbound statute books to them, instructing them to find the correct charge in the book. The teacher circulates and offers conflicting ideas. The assignment is to be completed in writing and turned in. (It takes about 1 1/2 class sessions to complete.)

In the following class period an attorney is brought in as a resource person to go over the exercise. The students are in their small groups and the attorney reads the situation aloud, asking for group decisions on what the charge is and working toward a class consensus. The atmosphere should be informal and discussion encouraged.

V. Completion of students' individual assignments

W. General unit review

1. Basic terminology

List the terms on the board, eliciting the definition from the students and emphasizing in particular the related terms.

2. Basic questions

a. What is law?

b. Is there too much law? etc.

3. Main points of attorney presentations

X. Exam (Appendix 6)

III. Unit 2: CRIME AND LAW ENFORCEMENT (5 1/2 weeks)

A. Introduction: teacher presentation and discussion of the following:

1. Types of crime, possible causes and solutions

2. Local crime

3. Conflicting views: liberal vs. conservative

(This may be illustrated by the drawing in Appendix 7.)

B. Reading assignment:

Crime and Criminals, ed. by David L. Bender and Gary E. McCuen, Greenhaven Press (Opposing Viewpoints Series), 1977.

Students are to read the following chapters and write up a summary of the point of view represented, the supporting arguments, and how each viewpoint fits in with the others. The assignment is due two class sessions later.

Chapters 1 and 2
Any one of chapters 3, 4 and 5
Chapters 6 and 7 OR Chapters 10 and 11
Any one of chapters 6-11 not already chosen

C. Filmstrip: The Fight Against Crime (Guidance Associates)

Handout discussion questions from the teaching guide for students to consider.

D. Discussion of reading assignment and filmstrip

1. Types of crimes

2. Causes of crime

3. Crime prevention

E. Reading assignment (for the following class session)

Crime and Criminals, chapter 4

F. Class discussion of white collar crime

1. What it is

2. What to do about it

G. Introduction to violent or street crime (preparation for following class session)

1. General description by teacher

2. Discussion of what crimes students would include in this category

H. Filmstrip: Violence in Society (Prentice Hall)

Hand out questions from teacher's guide to facilitate discussion. (This will generally extend into the next class session.)

I. Presentations of FBI crime statistics

This teacher presentation is greatly enhanced by using transparencies from the current FBI Unified Crime Report, which contains a multitude of charts and graphs. Emphasis should be on pointing out the main trends.

J. Reading assignment

"Morality and the Law," Issues Today (Xerox Corporation, 1973).

K. Hand out discussion guide to students (Appendix 8)

L. Class discussion of victimless crime based on readings

** M. Police presentation: The Local Crime Picture

This presentation should cover some of the same areas locally which were covered by the FBI crime statistics nationally. It can also be enhanced by the use of transparencies. Comparision should be drawn between the national and local pictures, and student questions encouraged.

N. Film: How to Say No to a Rapist and Survive

**O. Police presentation as a follow-up, dealing with Wisconsin rape law

P. Review on the causes and prevention of crime, leading into the issue of gun control

Q. Introduction to gun control

1. Review of existing laws

2. Reading assignment:

Crime and Criminals, chapter 5

3. Handouts on gun control: current newspaper articles, editorials from such magazines as Field and Stream (See Feb. 1973 issue, for example)

R. Discussion of gun control: viewpoints and areas of conflict

S. Introduction to juvenile delinquency

1. Causes, underlying assumptions, treatment (overview)

2. Reading assignment:

Crime and Criminals, chapter 3

"In the interest of... "Juvenile Justice in Wisconsin (League of Women Voters, Madison, Wisconsin, 1976), pages 1-33 and 43-62.

Two articles: "Does the Law Promote Teenage Crime?", Issues Today (Xerox Corporation), February 11, 1972; and "Punish-the-Parent Laws: Are They Fair?", Issues Today (Xerox Corporation), January 5, 1973.

3. Assignment for in-class work the next day: questions on the reading assignment, to be answered individually (Appendix 9)

T. Filmstrip: You and the Law (Guidance Associates, 1969)

Give students the questions from the study guide as an aid to discussion. Emphasize the contrast in the adult and juvenile systems, as a lead-in to the next two days' presentations.

U. Presentation by teacher on juvenile delinquency and the juvenile justice system. (This material can be gleaned from the League of Women Voters book cited above.)

** V. Presentation by juvenile court worker

This presentation can cover a variety of areas, depending upon the role of the speaker in the juvenile justice system. It should include what the speaker does, juvenile delinquency in the local community, treatment programs, counseling, procedures, why juveniles are treated differently than adults, causes of juvenile delinquency, and such problems as misdirected anger, misplaced frustration, and how to master these.

W. Review of presentation (main points, terminology)

X. Exercise: Future Planning Game: Preventing Crime and Violence (Greenhaven Press, 1976)

Activities 1, 3, and 4. Work on these in small groups in class and prepare them for the next class session. Then have the students report out on their small group decisions and discuss them as a class.

Y. Introduction to law enforcement

Have students do the following three activities taken from the Bill of Rights in Action (Constitutional Rights Foundation), February 1977. For each one, have students do them individually, then compile class results and generate discussion.

"How Can You Help Reduce Crime?", p. 2

"Evaluate Your Police Department," p. 8

"Youth Attitudes Toward Police and Authority," p. 10

** Z. Police Patrol Game (Constitutional Rights Foundation, 1973)

This game contains several activities and can be extended over several class sessions. The main activity is a role-play which is intended to help students experience what it feels like to face situations which police frequently encounter.

During the second day of the game, police officers are present in the class. The students report what happened in the role-play and the officers critique them in terms of what would really have happened.

** AA. Police presentation on the local police department: organization, hierarchy, numbers, staff, role in the community, careers in law enforcement

(This can be a continuation of the debriefing of the Police Patrol game.)

BB. Reading Assignment:

Law Enforcement and the Courts: The Adult Criminal offender - Arrest to Sentencing (League of Women Voters, Madison, Wisconsin, 1972), pages 1-8.

"In the interest of..." Juvenile Justice In Wisconsin, pages 41-51.

Hand out the worksheet in Appendix 10 on law enforcement procedure, and allow class time to complete.

** CC. Police presentation: Arrest Procedures

** DD. Attorney presentation: Arrest Procedures from the Attorney's Point of View.

This presentation should be a review of the police presentation, but pointing up the viewpoint of a defense attorney with regard to police procedures. Supplementary materials for discussion can be found on pp. 19-23 of Bill of Rights in Action, February 1977.

EE. Review of due process in arrest, using handout in Appendix 10.

FF. Review of assignments: status report on completion

** GG. Presentation by FBI agent

Description of the agency and its functions, a look at federal criminal law

HH. Review of FBI presentation

II. Work period

JJ. Review of crime and law enforcement

KK. Exam (Appendix 11)

IV. Unit 3: COURTS (2 1/2 weeks)

A. Introduction

1. Functions of a court

2. Federal and state systems

3. Local courts: jurisdictions, who the judges are, location

B. Handout for reference: charts of Wisconsin judical system and procedure, 6th Amendment, list of terms to know (Appendix 12)

C. Reading assignment:

Law Enforcement and the Courts, Chapters 3 and 4

"In the Interest of..." Juvenile Justice in Wisconsin, Section VII

Current newspaper articles on plea bargaining, case load, disposition of fines

D. Study days

** E. Attorney presentation: Rights of the Accused and Criminal Trial Procedure

This two-day presentation should cover the 5th, 6th, 7th, 8th, and 14th Amendments concerning rights of the accused and should trace the steps in a court proceeding for 1) a misdemeanor, 2) a felony, and 3) in juvenile court.

Supplementary handouts include Appendix 12 and a sample criminal complaint.

F. Review of presentation and study time

G. Survey of library resources on courts

This session should be used for student examination of books brought in from the resource center or gathered in one spot within the center.

H. Introduction to operation of the jury system

Hand out copies of the Wisconsin Jury Handbook.

** I. Attorney presentation: The Jury System

This presentation should cover the origins of the system, its operation, when it is used and when not, how jurors are chosen, and the authority of the jury. Including examples of specific cases would be helpful.

J. Review of attorney presentation

K. Preparation for presentation by district attorney:

1. Reading aloud in class of Law Enforcement and the Courts, p. 14

2. Identification of local court personnel

** L. Presentation by district attorney

This presentation should include his job description, the decisions he has to make, an explanation of plea bargaining and his attitude toward it, and his role in court.

M. Review of presentation

N. Preparation for visit by a judge

1. Read over in class paragraph on judges in Law Enforcement and the Courts, p. 14.

2. Teacher presentation and discussion of selection process for judges in Wisconsin and comparison with other jurisdictions (appointed versus elected)

** O. Presentation by judge

This should include the judge's duties, training, role in the courtroom, decisions, time spent outside the courtroom, role in corrections (sentencing), etc.

P. Brief review of judge's presentation

Q. Filmstrip: Our Courts: The Cost of Justice (Scott, 1975)

Hand out discussion questions from teaching guide.

R. Discussion of filmstrip

S. Presentation by teacher on judical elections in Wisconsin

T. General review

U. Exam (Appendix 13)

V. Unit 4: CORRECTIONS (4 1/2 weeks)

A. Introduction

1. Discussion: What is corrections? (Emphasize that it is more than prison; explain sentencing procedure.)

2. Reading assignment (in class)

After Conviction - The Adult Offender in Wisconsin (League of Women Voters, Madison, Wisconsin, 1974), pages 11-18.

3. Have students summarize in their notes:

a. What goes on in pre-sentence investigation

b. The four basic alternatives which a judge has in sentencing

c. Criticisms of the sentencing procedure

d. Recommendations for change

e. Definitions of "indeterminate sentence" and "fixed sentence"

B. Review sentencing

C. Exercise

Sentencing exercise from Bill of Rights Newsletter, Spring 1975. Hand out the exercise and have students do it individually for later discussion.

**D. Presentation by probation officer

This should present what a probation or parole officer does: the job and its authority.

E. Review of presentation

F. Reading assignment

After Conviction, section 4 (alternatives to incarceration)

Hand out question sheet (Appendix 14) on the reading for completion in class.

G. Presentation by teacher on jails: who is in them, why, how they're run, Huber law options

**H. Presentation by sheriff's officer in charge of jails

This should include the operation of the local jail, its programs, etc.

I. Review of presentation

J. Discussion: women in jail, Huber law

K. Sentencing exercise

Refer students back to the exercise under C. above and give them the actual sentences, then discuss.

L. Teacher presentation on juvenile detention in Wisconsin (main source is "In the interest of..." Juvenile Justice in Wisconsin)

M. Reading assignment

The Penal System; Crime, Punishment and Reform (Xerox Corporation, 1972)

Parts 1, 2, 7, and 8

N. Teacher presentation on prisons in Wisconsin

This should include who goes to prison, the basic functions of prison and other basic material (main source is After Conviction), and a discussion of the reading assignment.

The presentation can be enhanced by the use of transparencies, including current statistics from the annual reports of the various corrections institutions (available from the Department of Corrections as their Statistical Bulletins), maps of the federal prison system, of juvenile and adult facilities in Wisconsin, charts of counties of orgin of inmates (adult and juvenile), counties of commitment, racial distribution, age, crimes for which inmates are imprisoned.

**O. Presentation by corrections officer(s)

This should include a description of who goes to prison and why and of general operating procedure in the prisons; it could include slides if possible.

P. Review of presentation

Q. Exercise on parole

From the Bill of Rights Newsletter, Spring 1975. Hand out the exercise and have students determine parole for the cases individually. Discuss.

R. Preparation for presentation by parolee.

Explain that the parolee is coming in on his own time, and help the students formulate questions to ask. This should be discussed as a class and a great number of questions prepared, areas to be covered identified, etc. You should also consider what kinds of questions would be appropriate and what kind would not. Areas to cover might include courts, lawyers, police, jails and prison conditions.

** S. Presentation by parolee

The parolee will generally be accompanied by his parole officer. The best approach is probably to introduce them and then have the parolee tell about himself and his experiences. With the student preparation from the previous day, the class will probably need minimal teacher involvement.

T. Review of presentation

This should be an attempt to sort out fact from opinion in the presentation, and perhaps a student evaluation of the parolee and his chances of making it outside the prison.

U. Filmstrip: Prisons and Prison Reform (Scott, 1974)

Hand out overview and discussion questions from teaching guide to help focus students.

V. Discussion of filmstrip

W. Game: Planning Tomorrow's Prisons (Greenhaven Press, 1972)

X. General unit review

Y. Exam (Appendix 15)

VI. Unit 5: CAPITAL PUNISHMENT (1 1/2 weeks)

A. Introduction

1. Definition

2. Survey of attitudes

Have students indicate on paper whether they strongly favor capital punishment, tend to favor it, have no opinion, tend to oppose it, or strongly oppose it. Record the results for future reference.

3. Tell students that throughout the unit their goal should be to develop their own opinions on capital punishment and to be able to defend them.

B. Research assignment

Students are to find out:

1. The current legal status of capital punishment nationwide

2. The arguments for and against

3. The status of capital punishment in Wisconsin and whether that is under debate

C. Reading assignment:

Capital Punishment, (Greenhaven Press, 1974)

Assignment is for whole book.

"The Death Penalty: Is It Cruel and Unusual Punishment?", Issues Today (Xerox Corporation,) April 8, 1972

(The legal arguments are dated in this, but it provides a good summary of the arguments pro and con.)

Bibliography of articles for optional reading (see Appendix 16 & 17)

Students should be assigned to read the two items above and then whatever they can get their hands on, in order to come up with a listing of the arguments for and against capital punishment. On a sheet of paper divided into two columns they should list these as they have discovered them from their reading.

D. Filmstrip: Changing Views on Capital Punishment, Part I (New York Times Company, 1977)

Hand out discussion questions (Appendix 18)

E. Filmstrip: Changing Views on Capital Punishment, Parts II, III, and IV

F. Two days of discussion group work

On each of these days the teacher meets with half of the class and each student is required to present and defend his position on capital punishment to the group.

G. Brief review of capital punishment unit

H. Writing assignment (in class)

Each student is to write a one-page essay explaining and defending his position on capital punishment.

(This essay is the exam for the unit.)

VII. Conclusion

A. Course review

B. Course Evaluation

C. Final exam (optional)

RESOURCES

Books

After Conviction - The Adult Offender in Wisconsin, League of Women Voters of Wisconsin, (433 W. Washington Avenue, Madison, Wisconsin, 53703) 1974. 61 pp. $.75.

Bender, David L. and Gary E. McCuen, eds. Crime and Criminals (Opposing Viewpoints Series, Vol. 13), Greenhaven Press (1611 Polk St. N.E., Minneapolis, Minnesota, 55413), 1977. 159 pp. $2.95.

Bill of Rights in Action (quarterly), Constitutional Rights Foundation (6310 San Vicente Blvd., Los Angeles, California, 90048). $4.00 per year.

Capital Punishment (Opposing Viewpoints Pamphlet), Greenhaven Press (1611 Polk St. N.E., Minneapolis, Minnesota, 55413), 1974. 29 pp. $.98.

Criminal Justice (Opposing Viewpoints Pamphlets), Greenhaven Press (1611 Polk St. N.E., Minneapolis, Minnesota, 55413), 1975. 30 pp. $.98.

"In the Interest of..." Juvenile Justice in Wisconsin, League of Women Voters of Wisconsin, (433 W. Washington Avenue, Madison, Wisconsin, 53703)1976. 111 pp. $1.00.

Issues Today, Xerox Corporation (P.O. Box 444, Columbus, Ohio, 43216).

Law Enforcement and the Courts: The Adult Criminal Offender - Arrest to Sentencing, League of Women Voters of Wisconsin, (433 W. Washington Avenue, Madison, Wisconsin, 53703) 1972. 44 pp. $.75.

The Penal System, Xerox Corporation (P.O. Box 444, Columbus, Ohio, 43216), 1972. 63 pp. $.95.

Wisconsin Jury Handbook (available from local clerk of courts).

Games

Planning Tomorrow's Prisons (Future Planning Game), Greenhaven Press (1611 Polk St. N.E., Minneapolis, Minnesota, 55413), 1972. $.95.

Police Patrol, Constitutional Rights Foundation (6310 San Vicente Blvd., Los Angeles, California, 90048), 1973. $12.50

Preventing Crime and Violence (Future Planning Game), Greenhaven Press (1611 Polk St. N.E., Minneapolis, Minnesota, 55413), 1976. $.95.

A/V Materials

Changing Views on Capital Punishment, New York Times Company (170 South Bedford Rd., Mt. Kisco, NY, 10549), 1977.

The Fight Against Crime, Guidance Associates (757 Third Avenue, New York, NY, 10017), 1966. 2 filmstrips and 2 cassettes (or 12" LPs), $52.50.

How to Say No to a Rapist and Survive, Learning Corp. of America (1350 Avenue of the Americas, New York, NY, 10019), 1963. Color film, 52 minutes. $750.00.

Our Courts: The Cost of Justice, (Associated Press Special Report), Scott Education Division (Holyoke, Mass., 01040), 1975.

Prisons and Prison Reform, (Associated Press Special Report), Scott Education Division (Holyoke, Mass., 01040), 1974.

Violence in Society, (Associated Press Special Report), Prentice Hall Media (150 White Plains Road, Tarrytown, NY, 10591), 1974. 2 color filmstrips and 2 cassettes (or records), $50.00.

You and the Law, Guidance Associates (757 Third Avenue, New York, NY, 10017), 1969. 2 filmstrips and 2 cassettes (or records), $54.95.

APPENDICES

Criminal Justice

Eau Claire Memorial High School

LEGAL TERMS PRE TEST

NAME _____

_____ Person being prosecuted or accused

_____ Stealing goods displayed for sale in a store

_____ Deliberate defacement or destruction of the property of another

_____ Theft of property

_____ To, with intent, disable or disfigure another

_____ Unwritten law

_____ Minor crime

_____ False statement made under oath

_____ Law covering disputes between individuals

_____ Serious crimes

_____ Threat of violence upon another person

_____ Use of physical violence

_____ Process of returning a prisoner to a state

_____ Person bringing charges in a civil suit

_____ Unauthorized absence from school

_____ Standing around or lingering

_____ Act against the public peace

_____ Term used in place of criminal in Wisconsin when referring to juveniles

_____ Death resulting from an act of committing or attempting to commit a felony

_____ Written law (as opposed to unwritten law)

_____ Taking a car, but without the intent to permanently deprive the owner of his property

RESEARCH ASSIGNMENT: Put these in your notes!

accessory

accomplice

act of God

adultery

arson

assault

battery

burglary

civil law

common law

conspiracy

criminal law

defamation

default

delinquent

disorderly conduct

duress

embezzlement

eminent domain

entrapment

extortion

felony

forgery

fornication

homicide

implied consent

joy riding

juvenile

larceny

law suit

lawyer

liability

libel

lien

loitering

malice

manslaughter

mayhem

misdemeanor

murder

nolo contendre

ordinance

plagiarism

probate

resist

robbery

shoplifting

slander

statute

statutory rape

summons

theft

tort

truancy

usury

vandalism

ARE ANY OF THE FOLLOWING ACTS NOT PROHIBITED BY LAW IN WISCONSIN?

1. Removing a road sign
2. Marking rest room walls
3. Hazing or initiating a student
4. Passive resistance, such as going limp, while being arrested
5. Hitchhiking
6. Trespassing
7. Party-crashing
8. Joining as a curious bystander a crowd which is trashing
9. Receiving or buying stolen goods
10. Writing a check without funds to cover it
11. Borrowing a car for 15 minutes without knowledge of owner
12. Failure to remain at accident scene
13. Entering a home in order to take a bottle of wine seen lying on a porch table but getting scared off before reaching the table
14. Using slugs in a vending machine
15. Congregating with others in a public street and refusing to move when ordered by police
16. Failure to aid a policeman in need
17. Giving alcoholic beverages to anyone under 18
18. Misrepresenting age to obtain alcoholic beverages
19. Possession of a switchblade knife
20. Failure to assist in fire-fighting
21. Eating at a drive-in and not paying
22. Filing a fraudulent insurance claim
23. Participating in a bomb scare
24. Dropping gum on a shopping center parking lot
25. Talking to others about taking a stereo cassette from a parked unlocked car.

--Adapted from Inquiry Instructional Materials, Wisconsin Bar Foundation, Madison, Wisconsin, rev. 1974, vol. I, p. 15

CHAPTER 48 CHILDREN'S CODE

COMPLETE THE FOLLOWING:

WHAT IS THE LEGAL DEFINITION OF A CHILD?

48.12 WHAT CONSTITUTES DELINQUENCY?

48.13(1) DEFINE NEGLECT.

48.13(2) DEFINE DEPENDENT.

48.17 WHAT COURT HAS JURISDICTION FOR CHILDREN OVER 16 IN TRAFFIC CASES?

48.18 MAY A CHILD BE WAIVED INTO ADULT COURT?

48.28(2) CAN A CHILD BE ARRESTED?

48.30(d) CAN A CHILD BE JAILED?

48.40 WHEN MAY PARENTAL RIGHTS BE TERMINATED?

48.82 WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR ADOPTION?

48.981 WHAT IS REQUIRED BY THIS STATUTE?

CHAPTER 118 GENERAL SCHOOL OPERATIONS

WHAT IS REQUIRED BY THE FOLLOWING?

118.01 CURRICULUM REQUIREMENTS, NINE

118.07 (2)(a)

118.125 WHAT TOPIC IS COVERED HERE?

CHAPTER 146 MISCELLANEOUS HEALTH PROVISIONS

WHAT IS REQUIRED BY THE FOLLOWING LAWS AND
WHAT IS THE PENALTY FOR NON-COMPLIANCE?

146.01

146.015

146.02

146.04

146.07

146.085

146.09

146.309 WHO IS REGULATED?

WHO IS PROTECTED?

WHO ENFORCES?

CHAPTER 161 UNIFORM CONTROLLED SUBSTANCES ACT

161.001 DECLARATION OF INTENT--ABOUT WHAT?

WHAT ARE IN THE SCHEDULES IN SUBCHAPTER II?

EXPLAIN THE FOLLOWING SECTIONS OF THE LAW.

161.46

161.475

161.48

CHAPTER 163 BINGO CONTROL ACT

SUMMARIZE THE FOLLOWING:

163,11(1)

163.13(4)

163.14(4)

163.21

163.51(2)

(5)

(9)

(10)(a)

(13)(a)

(18)

(26)

(29)

163.80

CHAPTER 176 LIQUOR (SEE ALSO 66.054)

EXPLAIN THE LAW IN EACH OF THE FOLLOWING:

WHAT IS AN INTOXICANT?

WHAT TYPES OF LICENSES DOES THE STATE ALLOW?

MUNICIPAL STORES

BLINDS PROHIBITED

HOMEMADE WINE AND BEER

FREE LUNCH

B-GIRLS

SUMMARIZE 66.054(20)

CHAPTER 245 MARRIAGE (THE FAMILY CODE)

SINCE MARRIAGE IS A CIVIL CONTRACT, LAWS RELATING TO MARRIAGE AND DIVORCE ARE CIVIL LAWS.

EXPLAIN HOW WISCONSIN LAW DEALS WITH THE FOLLOWING:

WHAT IS THE LEGAL IMPLICATION OF THE FACT THAT MARRIAGE IS A CONTRACT?

WHO SHALL MARRY? (REQUIREMENTS)

WHO SHALL NOT MARRY? (4 RESTRICTIONS)

CAN YOU GO OUT OF STATE TO MARRY?

WHO CAN PERFORM A MARRIAGE?

CAN YOU MARRY YOURSELF?

WHAT PROCEDURES ARE REQUIRED BY THE STATE BEFORE APPROVAL OF THE MARRIAGE CONTRACT?

CHAPTER 247 DIVORCE (THE FAMILY CODE)

THE TERMINATION OF THE MARRIAGE CONTRACT (A DIVORCE) IS SETTLED IN A CIVIL COURT.

IDENTIFY THE FOLLOWING TERMS AND ANSWER THESE QUESTIONS:

SEPARATION

CUSTODY

FAMILY MAINTENANCE (ALIMONY & SUPPORT)

WHAT ARE THE ACCEPTABLE LEGAL GROUNDS FOR DIVORCE?

DOES WISCONSIN HAVE "NO-FAULT" DIVORCE?

WHAT TIME REQUIREMENTS AND OTHER RESTRICTIONS FOLLOW DIVORCE PROCEEDINGS?

CHAPTER 346 RULES OF THE ROAD

NOTE: TRAFFIC VIOLATIONS ARE NORMALLY NON-CRIMINAL:
A MONETARY FORFEITURE IS THE USUAL PENALTY.

SUMMARIZE THE FOLLOWING SECTIONS OF THE CHAPTER:

346.04

346.08

346.21

346.48

346.90

346.91

LIST THE ITEMS PROHIBITED IN THIS SECTION:

346.94

CHAPTER 350 SNOWMOBILES

WHAT ARE THE REQUIREMENTS IN EACH OF THE FOLLOWING?

350.02(a)1

350.05(1)

350.06

350.07

350.09(7)

350.10(3)

(6)

(7)

(11)

350.11

38.

CHAPTER 939 DEFENSES TO CRIMINAL LIABILITY

EXPLAIN HOW EACH IS APPLIED:

INTOXICATION

MISTAKE

PRIVILEGE

COERCION

NECESSITY

SELF-DEFENSE

DEFENSE OF OTHERS

DEFENSE OF PROPERTY

DEFENSE AGAINST SHOPLIFTING

CHAPTER 940 CRIMES AGAINST LIFE AND BODILY SECURITY

IDENTIFY THE CRIME AND THE PENALTY FOR THE FOLLOWING:

FIRST DEGREE MURDER

SECOND DEGREE MURDER

THIRD DEGREE MURDER

MANSLAUGHTER

ASSISTING A SUICIDE

HOMICIDE -- BY RECKLESS CONDUCT

BY NEGLIGENT CONTROL OF A VICIOUS ANIMAL

BY NEGLIGENT USE OF VEHICLE OR WEAPON

BATTERY

CHILD ABUSE

AGGRAVATED BATTERY

MAYHEM

KIDNAPPING

BATTERY TO A PEACE OFFICER

940.225 SEXUAL ASSAULT

CHAPTER 941 CRIMES AGAINST PUBLIC HEALTH AND SAFETY

LIST THE CRIME AND THE PENALTY FOR EACH SECTION:

A. VEHICLE

B. FIRE

C. WEAPONS

D. OTHERS

ADMINISTERING A DANGEROUS OR STUPEFYING DRUG

HAZING

EMERGENCY PHONE CALL (Note that part of this law is in the phone book. Be prepared to tell where in the book.)

CHAPTER 942 CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES

IDENTIFY THE CRIME AND THE PUNISHMENT FOR THE FOLLOWING:

DEFAMATION

PRIVACY FOR VICTIMS

942.02

942.05

CHAPTER 943 CRIMES AGAINST PROPERTY

IDENTIFY THE CRIME AND THE PUNISHMENT:

I. DAMAGE: CRIMINAL DAMAGE

ARSON

MOLOTOV COCKTAIL

II. TRESPASS: BURGLARY — State vs. Barclay, 54 Wis.2d 651, 196 N.W. 2d 31
Morones vs. State, 61 Wis.2d 544, 213 N.W. 2d 31

POSSESSION OF BURGLAROUS TOOLS

CRIMINAL TRESPASS

III. MISAPPROPRIATION: THEFT

CHEATING TOKENS

ROBBERY

RECEIVING STOLEN PROPERTY

SHOPLIFTING

CHAPTER 944 CRIMES AGAINST SEXUAL MORALITY

LIST THE PENALTIES FOR THE CRIMES BELOW:

A. INVOLVING THE FAMILY: BIGAMY

INCEST

B. INVOLVING CHILDREN: INTERCOURSE WITH A CHILD

C. BETWEEN ADULTS (WITH CONSENT): FORNICATION

ADULTERY

D. PROSTITUTION

CHAPTER 945 GAMBLING

SUMMARIZE THE FOLLOWING SECTIONS (INCLUDE PENALTIES)

945.01(1)

945.02

WHAT IS COMMERCIAL GAMBLING?

945.07

945.08

CHAPTER 946 INTERFERENCE WITH LAW ENFORCEMENT

EXPLAIN WHAT IS INVOLVED IN EACH AND LIST THE PENALTY.

REFUSING TO AID

RESISTING OR OBSTRUCTING

ENCOURAGING VIOLATION OF PROBATION OR PAROLE

BAIL JUMPING

CONCEALING IDENTITY

OBSTRUCTING JUSTICE

PERSONATION OF A PEACE OFFICER

MISCONDUCT ON PUBLIC GROUNDS (WHY WAS THIS SECTION ADDED?)

CHAPTER 947 CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

DEFINE EACH CRIME AND LIST THE PENALTY.

DISORDERLY CONDUCT

BOMB SCARE

VAGRANCY

947.05

947.06(1)

(2)

(3)

WHY WERE SECTIONS (4) AND (5) PUT IN?

DUELING

CRIME COMICS

CONTRIBUTING TO THE DELINQUENCY OF A MINOR
Jung vs. State, 55 Wis. 2d 714, 201 N.W. 2d 58

CHAPTER 948 CRIMES AGAINST ANIMALS

SUMMARIZE EACH SECTION LISTED.

948.03

948.04

948.05

948.06

948.08

WHAT CIRCUMSTANCES PROBABLY LED TO THE INCLUSION OF 948.10 AND 948.11?

WHAT IS REQUIRED BY 948.13 And 948.14?

WHO MAY INITIATE A COMPLAINT ON THE MATTER OF CRUELTY TO ANIMALS?

SUMMARIZE THE PENALTIES FOR CONVICTION UNDER CHAPTER 948.

INTERPRETING THE CRIMINAL STATUTES

Developed by Paula Reiton
Law Satellite Center
Milwaukee Public Schools

DIRECTIONS:
1. Carefully read the facts presented in each case.
2. Decide if a criminal offense has occurred. If not, explain.
3. Classify the offense as a crime against person or bodily security/property/reputation or civil liberties/public safety.
4. Decide what the correct charge should be for each set of circumstances that involves criminal activity. Cite the Statute Number and Correct Terms.

1. Jack the Ripper forces a passerby into the nearby alley, threatens him by holding a knife to his throat, and demands his money. The victim struggles and the knife slits his throat. The victim later dies of the injury sustained.

---

2. Jack Jones is playing frisbee with some friends in a vacant lot. As he chases a particularly wild throw he keeps his eye on the frisbee and collides with a very small young girl. He knocks her to the ground and she suffers a slight concussion and fractured ribs due to the impact.

---

3. Mrs. Straightlace comes home one evening from ceramics class to find her husband romantically involved with a very attractive neighbor. Mrs. Straightlace begins to scream, curse, and throw things around the room. She then picks up a kitchen knife and lunges at her husband. He later dies.

---

4. Mary Smith rents a car from Hertz and pays for it in advance. After the week is over she does not return the car and, despite repeated calls to her from the Hertz agency, she does not bring the car back. Three weeks pass in this fashion.

---

5. Harry Hunter is cleaning his rifle in the backyard of his home which borders on a school playground. It is Saturday and a few children are using the playground. Harry decides to test out the gun once he has cleaned it, and he lines up a few empty beer cans. Confident that he is a good shot (he holds several medals from the Rifle Club tournaments) he aims. One of the bullets, instead of piercing the beer can, ricochets off it into the playground nearby and strikes a young child. The child is seriously injured. The experts agree that the incident is a freak situation.

---

6. Sam, the owner of a hardware store, is quite despondent about the loss of business he has suffered due to the competition from the new chain stores that have recently entered the area. He sets fire to his store, feeling that the only way he can recover his losses is to collect the maximum on his insurance policy.

---

7. Bad Borton breaks into a house and makes off with the television set. No one is home, but as he is entering his van he is apprehended by the police on their local rounds. Upon being frisked a four-inch knife is found on him as well.

---

8. Horrible Hannah shoves the old neighbor lady and then makes off with the lady's purse containing 15 dollars.

---

9. Fancy Fran enters a large department store, tries on several dresses in the fitting room, swaps price tags so that the dress she wants will cost twenty dollars less, and then proceeds to the cash register to pay.

---

10. Miserable Maureen has just seen her former boyfriend having an absolutely wonderful time with his new and very pretty girlfriend. At the party which they are all attending Maureen kept drinking to drown her sorrows. On the way home she lost control of the car and collided head-on with the vehicle approaching from the opposite direction. The passenger in the oncoming auto was killed.

---

11. John and Mary are very "hip" and decide that marriage is not "their thing." They therefore live together and let it be known to their neighbors that they have no intention of getting married because they don't "buy the system." The landlord calls the police.

---

12. Hasseled Harold is on the witness stand and is being questioned about an armed robbery. He denies having seen the incident in question because if his wife, who is in the courtroom being a good supportive wife, finds out that he did indeed witness the armed robbery she will also find out that he was with another woman instead of playing cards that evening. He probably would not have seen the robbery if he had walked down the street a few minutes sooner.

---

13. Mark Mechanic is closing up his garage for the night when a young boy wanders in the side door while Mark is out front turning off the lights and locking the gas pumps. Mark goes back into the garage, looks around, shuts off the interior lights and at the same time pushes the switch that lowers the lift. The young child is found crushed there the next morning.

---

14. Oppressed Oscar decides to burn down the school in return for all the sixteen years he has "suffered" there. He waits until it is late at night to be sure that no one is in the building. He then ignites the blaze. Unknown to Oscar, his gym teacher has fallen asleep after the game and remained in the locker room. The teacher was killed in the blaze.

---

15. Jack Jones climbs to the top of a high-rise building and begins to snipe wildly into the crowd below with his high-powered rifle. Several persons are killed.

---

16. Jack Bolder enters a liquor store and, keeping his hand in his pocket, orders the clerk to hand over the money or "he will blast him full of holes." The clerk is frightened and hands over the money. When Jack is arrested as he is running out the back alley it is discovered that he has no weapon in his pocket.

---

17. Four men become involved in a bar room brawl. One of them breaks a chair over another's head. The man later dies of the injuries sustained during the incident.

---

18. Mary Moocher borrows her friend's stereo and refuses to return it after repeatedly being asked to do so by her friend. Mary claims that "possession is nine-tenths of the law."

LAW EXAMINATION NAME _____

Points

(3) 1. DEFINE: LAW

(5) 2. EXPLAIN THE DIFFERENCE BETWEEN CIVIL AND CRIMINAL LAW.

(10) 3. ARE THE FOLLOWING CIVIL OR CRIMINAL MATTERS?

_____ DIVORCE

_____ SPEEDING

_____ MARRIAGE

_____ BIGAMY

_____ RUNNING A STOP SIGN

_____ TAKING A STOP SIGN

_____ LIABILITY IN A TRAFFIC ACCIDENT

_____ HOMICIDE

_____ CONSPIRACY

_____ LIBEL

(3) 4. MATCH THE TYPE OF LAW WITH ITS SOURCE

_____ JUDICIARY	A) ADMINISTRATIVE CODE
_____ EXECUTIVE	B) STATUTE LAW
_____ LEGISLATIVE	C) CASE LAW

(2) 5. WHAT LEVELS OF GOVERNMENT CAN WRITE ORDINANCES?

_____

ARE ORDINANCE VIOLATIONS CRIMES?

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(5) 6. WHAT IS THE LEGAL DEFINITION OF A CRIME?

(12) 7. DEFINE THE FOLLOWING TERMS IN SUCH A MANNER AS TO CLEARLY DISTINGUISH BETWEEN THEM WHILE ALSO INCLUDING COMMON POINTS.

A) FELONY/MISDEMEANOR

B) BURGLARY/ROBBERY

C) MURDER IN THE FIRST DEGREE/MANSLAUGHTER

D) ASSAULT/BATTERY

Law Examination
Page 3

(15) 8. ARE THE FOLLOWING CRIMES FELONIES OR MISDEMEANORS?

use F or M as is appropriate

_____ FIRST DEGREE MURDER

_____ CARRYING A CONCEALED WEAPON

_____ THEFT OF PROPERTY VALUED AT $4.06

_____ THEFT OF PROPERTY VALUED AT $75.80

_____ ADULTERY

_____ DUELING

_____ TAKING A ROAD SIGN

_____ CONTRIBUTING TO THE DELINQUENCY OF A MINOR

_____ MANSLAUGHTER

_____ DISORDERLY CONDUCT

_____ RESISTING ARREST

_____ POSSESSION OF BURGLAROUS TOOLS

_____ MAYHEM

_____ FIRST DEGREE SEXUAL ASSAULT

_____ HAZING

(5) 9. WHO CAN BE THE THREE PARTIES TO A CRIME?

1) _____ 2) _____

3) _____

IN WISCONSIN, ARE ALL THREE TREATED EQUALLY IN THE LAW WHEN CONVICTED?

_____

IF YOU ATTEMPT, BUT FAIL, TO COMMIT A CRIME, AND ARE CONVICTED, WHAT IS THE PROVISION IN THE LAW FOR PENALTIES?

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(6) 10. DEFINE THESE TWO TERMS. USE LEGAL TERMINOLOGY. DO NOT USE AN EXAMPLE AS YOUR DEFINITION.

DISORDERLY CONDUCT

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

(4) 11. WHAT TWO ACTS CONSTITUTE SHOPLIFTING?

1)

2)

(5) 12. IN WHAT WAYS DOES THE BILL OF RIGHTS ACT AS A RESTRAINT ON THE POWERS OF THE GOVERNMENT IN CRIMINAL MATTERS?

USE EXAMPLES TO ILLUSTRATE YOUR POINT.

(3) 13. WHAT IS THE PURPOSE OF HAVING A LAWYER (DEFENSE ATTORNEY) IN THE CRIMINAL JUSTICE SYSTEM?

(6) 14. LIST AND GIVE A SHORT EXPLANATION OF THE THREE MAJOR ACTIVITIES OF AN ATTORNEY.

(1) 15. GIVE ME THE FIRST AND LAST NAME OF THE ATTORNEY WHO PARTICIPATED IN THE UNIT.

_____

CONTROLLING CRIME AND LAWLESSNESS: WHAT IS THE ANSWER?

social reform
racial accord
enlightened law enforcement

stricter enforcement
harsher punishments
reversal of
Supreme Court rulings

"MORALITY AND THE LAW"

Instructions: Read the sections of the booklet assigned before answering the following questions.

1. EXPLAIN WHAT IS MEANT BY VICTIMLESS CRIME.

   (Include examples but do not rely on them for the explanation.)

2. THIS BOOKLET COVERS FOUR DISPUTED AREAS OF THE LAW. YOU WERE ASSIGNED TO READ TWO. USING ANY ONE OF THE FOUR, EXPLAIN WHY YOU EITHER AGREE OR DISAGREE THAT THESE SHOULD BE CONSIDERED VICTIMLESS CRIMES.

   Consider the following points:

   a. Do laws become out of date because of changing values and ideas?
   b. Can moral standards be enforced through secular law?
   c. Can a victim always be found?
   d. Does any group in society have the right to impose its will on others? (Under any circumstances?)

3. CAN YOU DEFEND YOUR POSITION WITH RESPECT TO THE FOLLOWING?

   a. Would the repeal of relevant laws lead to an increase in the prohibited practice?

   b. Would it weaken the moral condemnation of the practice?

   c. Is the practice harmful, potentially or actually, to others?

   d. Is the practice harmful to the individual(s) involved?

   e. Is it harmful to society?

   f. Is the practice strongly condemned by public opinion?

   g. Is the criminal sanction effective?

   h. Will the repeal of the law serve some positive purpose?

   i. What other points should be considered?

4. ARE THERE ANY OTHER AREAS OF THE LAW THAT YOU WOULD CLASSIFY AS VICTIMLESS?

"PUNISH THE PARENT LAWS"
Issues Today, January 5, 1978

NAME _____

INSTRUCTIONS: Answer question 1 BEFORE reading this article, question 2 and 3 AFTER reading the article.

****

"...IT SHALL BE UNLAWFUL FOR THE PARENTS OF ANY MINOR CHILD TO FAIL TO EXERCISE REASONABLE PARENTAL CONTROL..."

1. This is a parental responsibility ordinance. The maximum penalty in Madison Hts., Michigan is a $300.00 fine and/or 90 days - for a parent!

   WHAT IS YOUR INITIAL REACTION TO THIS TYPE OF A LAW? IS IT FAIR? EXPLAIN WHY YOU REACT AS YOU DO.

Punish the Parent Laws
Page 2

AFTER reading...

2. LIST ARGUMENTS FOR SUCH A LAW. LIST ARGUMENTS AGAINST SUCH A LAW.

3. HAS THE READING OF THE ARTICLE REINFORCED OR ALTERED YOUR INITIAL ATTITUDE? EXPLAIN. Are there any arguments to support your view other than those listed above?

"DOES THE LAW PROMOTE TEENAGE CRIME?"
Issues Today, February 11, 1972 Name _____

INSTRUCTIONS: Read the article and then answer these questions.

1. In the last 10 years arrests of people under 18 have risen more rapidly than arrests of people over that age. What explanations are offered to explain this? Can you suggest any additional reasons?

2. Do you believe that teenagers are more violent or criminally inclined than adults? Why/why not?

3. There are 2 basic reasons juveniles are not treated as criminals and therefore not subjected to the same criminal sanctions as adult law violators. They are:

   1)

   2)

"DOES THE LAW PROMOTE TEENAGE CRIME?"
Page 2

3. (continued) Do you agree or disagree with this legal philosophy? (treating juveniles who violate laws differently than adult law breakers) Explain.

4. What is your response to the opinion that the lack of strict penalties in the law for juveniles encourages their criminal activities. Do you think harsh penalties would reduce criminal activity by juveniles? If not, what would you suggest to reduce juvenile crime?

LAW ENFORCEMENT PROCEDURE

Information on the topic will be found in: Law Enforcement and the Courts, pp. 1-8; In The Interest of...Juvenile Justice, pp. 41-51; and/or in the policeman's presentation.

1. Summarize the procedure used by the police in making an arrest:

   WITH A WARRANT?

   WITHOUT A WARRANT?

2. What variances are there in the procedure if the person being taken into custody is a juvenile?

   A FEMALE?

LAW ENFORCEMENT PROCEDURE
Page 2

3. What is <u>probable cause</u>?

4. What is the meaning of these terms (in law enforcement)?

ARREST:

SEARCH WARRANT:

ARREST WARRANT:

FRISK:

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SEARCH:

CRIME EXAMINATION

Point Value

Name _____

(3) 1. What are the arguments against the concept of victimless crime?

(10) 2. In a paragraph, explain how you would act to reduce crime in American society. (Your options should center around your views on the causes and prevention of crime.)

3. Below are headlines from two articles. Briefly explain what views each article/author has or is supporting on the issue of the causes and prevention of crime.

No Protection for Innocent:

Light Sentences for Offenders Neutralize Deterrent to Crime

AFL-CIO NEWS 10/15/77

Rise in Crime Linked To Unemployment Rate

AFL-CIO NEWS 10/15/77

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Crime Examination
Page 3

JUVENILE DELINQUENCY

(3) 1. Explain why juveniles are treated differently in the criminal justice system.

(2) 2. List the two (2) situations in which juveniles are treated as adults.

1.

2.

(3) 3. What is a "status offense"? Define and use examples.

(7) 4. Explain your view on the causes and treatment of juvenile delinquency. How does your view compare to that of the juvenile court worker?

LAW ENFORCEMENT PROCEDURE

(3) 1. What is probable cause?

(2) 2. Why does a police person need probable cause?

(3) 3. What is the Miranda warning? When must it be given? Are there exceptions?

(3) 4. What is the distinction between a frisk and a search?

(2) 5. List two exceptions to the constitutional requirement for a search warrant. (When is one NOT needed?)

Crime Examination
Page 5

F. B. I. REPORT

Use the sections of the 1976 report provided. Answer the following.

pp. 302-303
(5) 1. INDICATE IF THE FOLLOWING ARE TYPE 1 OR TYPE 2 OFFENSES

____ EMBEZZLEMENT
____ BURGLARY
____ DRUNKENESS
____ VANDALISM
____ GAMBLING
____ MOTOR VEHICLE THEFT
____ FRAUD
____ ROBBERY
____ VAGRANCY
____ PROSTITUTION

(3) 2. LOOKING AT THE OFFENSES IN CLASSIFICATIONS 1&2, WHAT DO YOU SEE AS THE PRIMARY DISTINCTION BETWEEN TYPE 1 & TYPE 2 OFFENSES?

pp. 9; 10; 11
(4) 3. _____ WHAT % OF 1976 MURDERS INVOLVED FIREARMS?
_____ TOTAL NUMBER OF MURDERS IN 1976
_____ NUMBER OF INFANTS (UNDER 1) KILLED BY "PERSONAL WEAPONS" IN 1976
_____ WERE MORE MEN OR WOMEN VICTIMS OF MURDER IN 1976?

pp. 288-289
(2) 4. IN WHICH REGION OF THE U.S. WERE THE GREATEST NUMBER OF LAW INFORCEMENT OFFICERS KILLED IN 1976?

IN WHAT SITUATION WERE THE MOST LAW ENFORCEMENT OFFICERS KILLED IN THE PERIOD 1972-76?

F. B. I. (Page 2)

(9) 5. WHAT WAS THE INCIDENCE TREND IN 1976 FOR THE FOLLOWING PART 1 (OR TYPE 1) OFFENSES?

Indicate UP or DOWN or SAME.

_____ BURGLARY
_____ MURDER
_____ LARCENY
_____ THEFT FROM COIN MACHINES
_____ THEFT OF BICYCLES
_____ MOTOR VEHICLE THEFT
_____ ROBBERY OF CHAIN STORE
_____ PURSE SNATCHING
_____ BANK ROBBERY

p.16
(5) 6. WHAT 2 MONTHS HAVE THE HIGHEST INCIDENCE OF REPORTED RAPE?

_____ _____

p.19 WHAT 2 MONTHS HAVE THE HIGHEST INCIDENCE OF REPORTED ROBBERY?

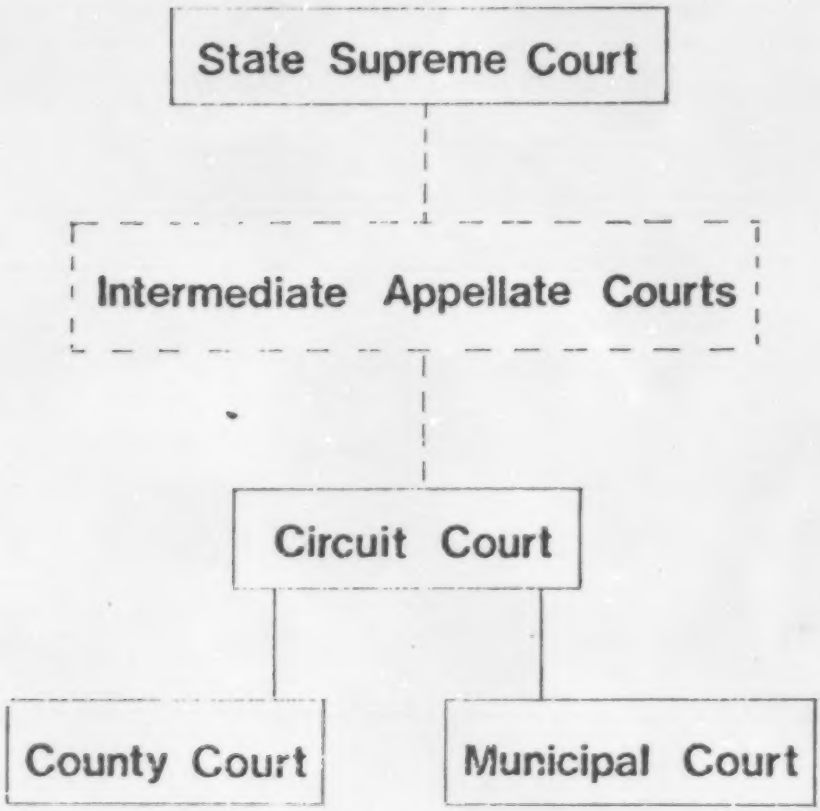
_____ _____

p.29 WHAT IS THE % OF LARCENY-THEFT INVOLVING MOTOR VEHICLES?

_____

77

WISCONSIN JUDICIAL SYSTEM



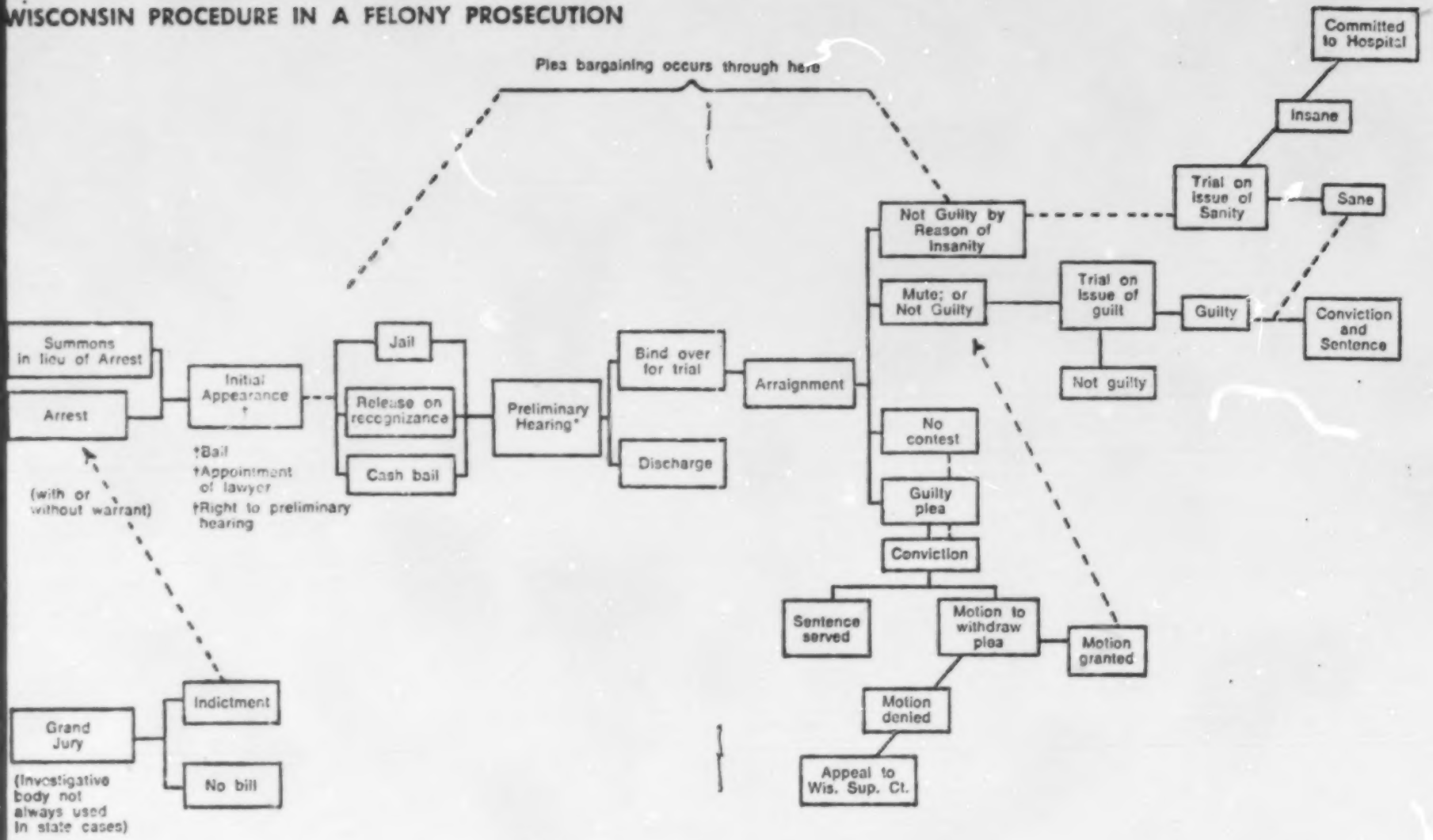
S I X T H A M E N D M E N T
T O T H E C O N S T I T U T I O N

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICTS SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE.

COURT RELATED TERMS

ACQUIT, ACQUITTAL
APPEAL
ARRAIGN, ARRAIGNMENT
BAIL
BAILIFF
BOND
CHAMBERS
CLERK (OF COURT)
CONFESSION
CONTEMPT (OF COURT)
CONTINUANCE
CONVICTION
COUNSEL
COURT
COURT INJUNCTION
CROSS EXAMINE
CUSTODY
DEFENDANT
DEFENSE
DETENTION
DUE PROCESS
EVIDENCE
GRAND JURY
IMMUNITY
INDICTMENT
INSTRUCTIONS
JUDGE
JURISDICTION
JURY
JUVENILE COURT
PETIT (PETTY) JURY
PLAINTIFF
PLEA
PLEA BARGAINING
PRE-TRIAL HEARING
PROSECUTOR
RECOGNIZANCE
RECORD
REPORTER (COURT)
SENTENCE
SUBPOENA
SUMMONS
TESTIMONY
TRANSCRIPT
TRIAL
TRIAL JURY
VERDICT
WARRANT
WITNESS
WRIT OF HABEAS CORPUS
VENUE

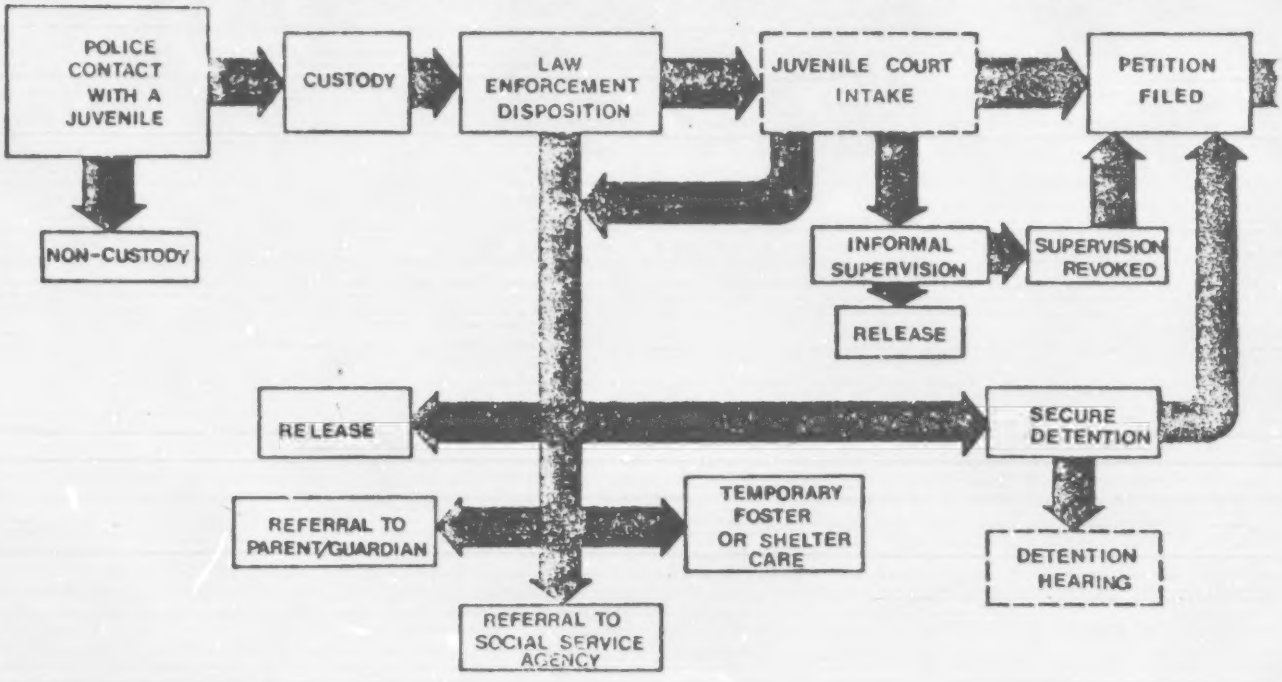
WISCONSIN PROCEDURE IN A FELONY PROSECUTION



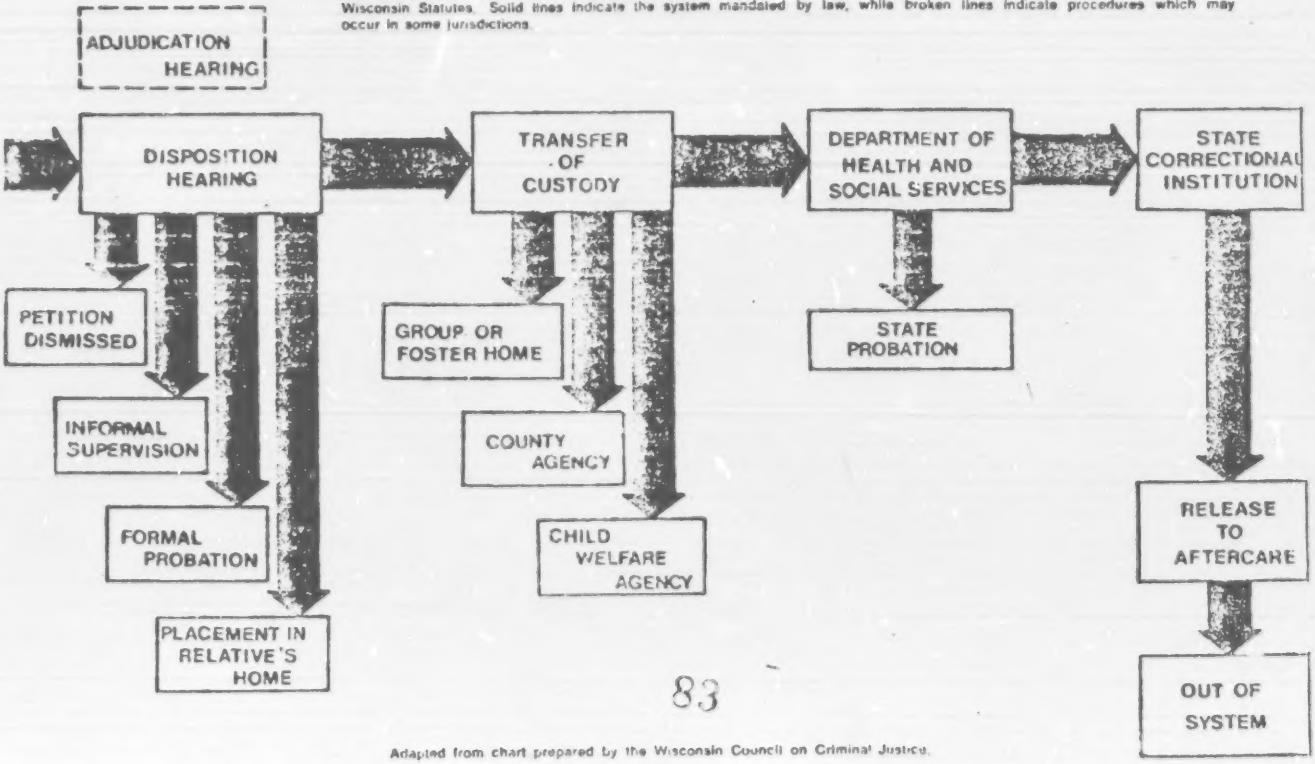
*The defendant may waive, or forego, this stage. This stage is also omitted if a grand jury initiated the prosecution, because an indictment establishes probable cause to bind over for trial.

LEAGUE OF WOMEN VOTERS OF WISCONSIN
433 West Washington Ave.
Madison, Wis. 53703

THE JUVENILE JUSTICE SYSTEM IN WISCONSIN — CURRENT PROCEDURES



Due to the wide disparity among counties in the state, this flow chart depicts the procedures outlined in Chapter 48 of Wisconsin Statutes. Solid lines indicate the system mandated by law, while broken lines indicate procedures which may occur in some jurisdictions.



Adapted from chart prepared by the Wisconsin Council on Criminal Justice.

CRIMINAL JUSTICE EXAMINATION
-COURTS-

NAME _____

Points

(2) 1. WHAT ARE THE 2 ELEMENTS OF A CRIMINAL COMPLAINT? (Use State of Wisconsin vs. John Smith as a reference)

1. _____

2. _____

(3) 2. WHAT IS THE PURPOSE OF THE "PRELIMINARY HEARING"?

(2) 3. LIST 2 CIRCUMSTANCES THAT MIGHT MAKE A JUDGE DECIDE TO DISMISS A CASE.

1. _____

2. _____

(5) 4. IDENTIFY THE JOB OF THE DISTRICT ATTORNEY IN THE OPERATION OF THE CRIMINAL JUSTICE SYSTEM.

(15) 5. EXPLAIN WHAT 5 OF THE FOLLOWING CONSTITUTIONAL RIGHTS MEAN TO A CITIZEN:

A) SPEEDY TRIAL

B) RIGHT TO A LAWYER

C) RIGHT OF CONFRONTATION

D) RIGHT OF COMPULSORY PROCESS

E) NO DOUBLE JEOPARDY

F) NO EXCESSIVE BAIL

Criminal Justice Examination
Page 3

(15) 6. GIVE ALL OF THE FOLLOWING TERMS COURT RELATED DEFINITIONS:

A) NO CONTEST

B) TRIAL

C) PLEA

D) JURISDICTION

E) WITNESS

(5) 7. WHAT IS THE ROLE OF A TRIAL JURY?

(9) 8. JUDGES - CIRCLE THE CORRECT OPTION OR COMPLETE THE ANSWER.

a) IN WISCONSIN, JUDGES ARE APPOINTED? / ELECTED?

b) EAU CLAIRE COUNTY HAS 1 - 2 - 3 COUNTY JUDGES

c) APPEALS FROM COUNTY TRAFFIC COURT GO TO _____ COURT.

d) OUR CIRCUIT COURT JUDGE IS _____. (name of)

e) THE HIGHEST COURT IN WISCONSIN IS _____.

f) NAME OF COURTS NOW BEING CREATED IN WISCONSIN _____

g) FEDERAL COURT JUDGES ARE APPOINTED? / ELECTED?

h) WE ARE IN THE WESTERN DISTRICT OF WISCONSIN (FEDERAL COURT).

THE JUDGE IS _____.

HIS COURT IS IN _____.

(4) 9. a. WHAT IS THE ROLE OF A JUDGE IN A JURY TRIAL?

b. WHAT IS THE ROLE OF A JUDGE IN A TRIAL WITHOUT A JURY?

WORKSHEET: CORRECTIONS

ANSWER THE FOLLOWING IN YOUR NOTES-

NEEDED INFORMATION IN SECTION IV
OF AFTER CONVICTION

1. LIST 2 REASONS WHY THERE IS EXPANDED USE OF ALTERNATIVES.

2. LIST 6 ALTERNATIVES AVAILABLE.

3. PROBATION & PAROLE

WHAT IS THE BASIC DIFFERENCE?

WHAT IS THE BASIC SIMILARITY?

4. AGENT: JOB REQUIREMENTS, JOB DESCRIPTION

5. WHAT IS "DUE PROCESS" IN A REVOCATION PROCEEDING?

6. IDENTIFY - PRETRIAL INTERVENTION. HOW IS IT IMPLEMENTED IN WISCONSIN?

7. WHY IS HOSPITALIZATION OR MEDICAL TREATMENT A DIFFICULT OPTION TO USE?

8. WHAT IS THE PURPOSE OF COMMUNITY BASED CORRECTIONS?

9. WHAT ARE THE GREATEST OBJECTIONS TO THESE PROGRAMS?

CRIMINAL JUSTICE EXAMINATION
-CORRECTIONS-

NAME _____

1. WHAT OCCURS BETWEEN CONVICTION AND SENTENCING?

2. DESCRIBE 3 SECURITY CLASSES OF PRISONS. GIVE A SPECIFIC EXAMPLE OF EACH FROM THE WISCONSIN SYSTEM.

3. IDENTIFY: RECIDIVISM

4. WHAT IS THE HUBER LAW? HOW DOES IT OPERATE?

5. WHAT ARE SOME ALTERNATIVES TO INCARCERATION? WHY DO PEOPLE ADVOCATE INCREASED USE OF SOME OF THESE?

6. IDENTIFY: COMMUNITY BASED CORRECTIONS

7. WHO GOES TO PRISON?

8. WHO GOES TO JAIL?

9. HOW DOES THE SYSTEM (CORRECTIONS) DEAL WITH JUVENILES?
IN JAILING: WHEN & WHY USED?
WHY NOT USED?
ALTERNATIVES?

10. YOU ARE ON THE PAROLE BOARD.
WHAT IS YOUR AUTHORITY? HOW IS THIS ACCOMPLISHED?
ON WHAT WOULD YOU BASE YOUR DECISION?
HOW WOULD YOU DETERMINE YOUR INFORMATION?
WHAT QUESTIONS WOULD YOU ASK?

11. WHERE IN WISCONSIN ARE JUVENILES INCARCERATED?

WHY DO WOMEN GO TO PRISON? (WHAT CRIMES DOMINATE?)

TIME
July 10, 1972

CLOSING DEATH ROW

"I was lying on my bunk," said Lucious Jackson, 25, a rapist confined on the death row of Georgia State Prison, "when I heard one of the fellows shout that they've knocked it out. I had just about given up hope."

"They" were the Justices of the U.S. Supreme Court, who last week in a long-awaited decision knocked out the death penalty. By the narrowest of margins, they ruled that capital punishment as currently imposed is cruel and unusual punishment in violation of the Eighth and 14th Amendments.

Since 1967, there has been a moratorium on executions while various cases (including Jackson's) worked their way up through the appeals courts. The Supreme Court, partly transformed by President Nixon's appointment of four Justices, was expected to uphold the death penalty, but on the last day of its term, the court produced its surprise.

Although the vote was officially 5-4, it was really closer than that. All nine Justices wrote opinions, and only two--Brennan and Marshall--declared that capital punishment per se is cruel and unusual. Douglas, White and Stewart all felt that the death sentences in the murder and two rape cases before the court had been applied "wantonly and freakishly," to use Stewart's words, because only a tiny minority of defendants convicted of similar offenses suffer the same fate. They left open the possibility, however, that a law would be constitutional if it called for all capital punishment for certain kinds of crime (like the murder of a policeman) and if it was uniformly applied.

All four Nixon appointees dissented, mainly on the ground that the abolition of execution is the business of legislatures, not judges. Indeed, a number of state officials greeted the court action with calls for new legislation to restore capital punishment. As for the 601 convicts on death row, Powell said the majority's opinions meant they have been reprieved, while Burger complained that the verdict gave no "final and unambiguous answer."

Such distinctions mattered little to Lucious Jackson: "I've been thinking about nothing but death for a long time. Now I can think about living."

NEWSWEEK
December 18, 1972

REBIRTH OF DEATH?

In California, a referendum to bring back the death penalty carried by a 2-to-1 landslide. In Florida, the state legislature met in special session and in a single week rushed through legislation reaffirming the rule of a life for a life. In San Diego, a convention of state attorneys general endorsed a model capital-punishment law last week with only a single dissenting vote. In state after state, during the six months since the Supreme Court decision all but padlocking the nation's execution chambers, lawmakers and lawmen-often urged on by the voters-have mounted a quickening effort to bring the death penalty back to life.

Their effort rests heavily on the uncertain hope that a majority on the Court will stand for capital punishment so long as it isn't meted out arbitrarily, according to the whims and prejudices of individual judges and juries. The discretionary death penalty produced a long train of injustices-the sort of case in which, as one A.G. at last week's San Diego meeting put it, "you give a white man six months in county jail for a rape-murder where a Negro gets executed." In last June's landmark capital-punishment case, the three Justices who cast the swing votes against the death penalty all focused on this issue. They stopped short of saying that capital punishment would be constitutional if the vagaries of chance and prejudice were eliminated. But they left at least the ghost of a chance for the death penalty, and the result, notably in the South and West, has been a blizzard of bills, studies and speeches proposing that it be revived.

The first results have sometimes been obtrusively hasty. The California referendum was thrown together even before the Supreme Court acted and may as a result have restored capital punishment only on paper and only for a few relatively exotic crimes, including train wrecking and treason against the state. And Florida's new death-penalty law, which would split capital cases into one trial by jury to determine guilt or innocence and a second to decide between death and life, is of such shaky construction that some of its own backers doubt it will stand up in court.

LAUNDRY LIST: Still, the impulse runs deep and the proposal voted by the state A.G.'s last week was an effort to channel it into a form the courts might accept. Their answer, put together after a two-montn study, was a model measure that would make death mandatory for what the authors wryly called a "Laundry list" of ten capital crimes: among them, multiple murders, killing for hire; murdering a policeman, fireman or prison guard; assassinating a public official, or killing in the course of a robbery, rape or skyjacking.

The convention's 32-to-1 majority report argued hopefully that mandatory death for carefully specified crimes stood the best chance of surviving legal attack. But some of the authors were themselves unhappy with the mandatory approach-a rigid rule that might encourage a jury to bring in a conviction on reduced charges or even to free a guilty man rather than condemn him to certain death. And a larger air of hopelessness infected the whole effort to resuscitate capital punishment-a sense that the cause may already be lost. Fourteen states had abolished the death penalty by statute and two others by judicial decision even before the Supreme Court acted, and the 34 surviving capital-punishment states haven't . . .

EAU CLAIRE LEADER TELEGRAM
Saturday, August 25, 1973

DEATH PENALTY REVIVED IN 19 STATES, ARGUED IN OTHERS

Nineteen states have revived the death penalty since it was struck down by the Supreme Court, saving 600 persons from execution.

Generally speaking, the new laws confine capital punishment to such crimes as mass murder, murder while perpetrating rape, kidnapping, arson, or hijacking of a commercial vehicle.

Two young men held in Houston in the homosexual slaying of more than 25 boys could draw the death penalty if convicted under a recently enacted Texas law.

FLORIDA first. Florida was the first state to re-establish capital punishment after the Supreme Court ruled existing statutes unconstitutional June 29, 1972. Florida's action came in a special legislative session last December.

The law provides for a two-trial system, with guilt or innocence decided in the first trial and punishment in the second. A jury may consider special circumstances in the second trial and recommend life or death, but the trial judge has the final say. His reasons must be set forth in writing.

Nixon Appointees Dissent. Additional U.S. Supreme Court rulings on capital punishment are certain, and the Florida law could be the first one considered.

The justice did not reach any over-all agreement in their 5-4 decision last year on capital punishment. All four of President Nixon's appointees dissented, and each of the nine justices wrote his own opinion.

Justices Potter Stewart and Byron R. White, who often go along with the Nixon appointees, held that the 8th Amendment was violated by the haphazard way the death penalty was imposed, with some guilty persons being sentenced to die while others were spared.

Standards For Juries. Justice William C. Douglas also found the laws "selectively applied."

The Justices' comments, as well as those of Chief Justice Warren E. Burger in his dissent, guided state legislators in fashioning new statutes.

Said Burger: "Legislative bodies may seek to bring their laws into compliance with the court's ruling by providing standards for juries and judges to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed.

"The legislatures can and should make an assessment of the deterrent influence of capital punishment, both generally and as affecting the commission of specific types of crimes."

Besides Texas and Florida, other states that have reestablished capital punishment are Rhode Island, Georgia, Oklahoma, New Mexico, Tennessee, Idaho, Louisiana, Wyoming, Utah (Where the condemned have a choice of death by hanging or a firing squad), Ohio, Connecticut, Indiana, Arkansas, Arizona, Nevada, Nebraska and Montana.
OTHERS CONSIDERING. Strong movements toward the same goal are current in Pennyslvania, California, Delaware, Kentucky, Maryland, Illinois, and New York.

North Carolina has a 1949 death penalty law on the books and the issue is expected to be a hot one in the 1974 Legislature.

Gov. Milton Shapp of Pennsylvania once said no one would be executed in his state while he was governor. But recently he gave ground, saying he would "not necessarily" veto a capital punishment bill.
ROCKEFELLER FAVORS BILL. The Pennsylvania house approved a bill mandating death in the gas chamber for seven types of crime, including slaying of hostages or a witness to another murder or a felony.

The measure is before the Pennsylvania Sentate's Judiciary committee but action is being held up pending a report by a Shapp-appointed commission expected about Sept. 1. Pennsylvania's last electrocution was in 1962.

In New York, a bill calling for the death penalty in the murder of a police or a corrections officer is up for consideration in the legislature next January. Gov. Nelson A. Rockefeller, who once led efforts to wipe out the penalty, now favors the bill, which is being pushed by police unions.

In Illinois, two separate bills are on the desk of Gov. Daniel Walker, who has said he favors some form of capital punishment, especially for murder of prison guards.

DECISION SAVES SPECK. The high court's 1972 decision saved one of Illinois' most publicized death row inmates, Richard T. Speck. Now 31, he was convicted of the July, 1966 murders of eight student nurses in a Chicago Townhouse. He is now serving a life term.

In California, voters approved a ballot initiative last November giving the legislature power to reinstate capital punishment, which was struck down by the state supreme court on the strength of California's own constitution before the U.S. Supreme Court acted. Several proposals are before the legislature. Gov. Ronald Reagan strongly favors some action.

Gov. Marvin Mandel of Maryland probably will reintroduce a bill on which his state legislature did not have time to act.

In Kentucky, the death sentence for four specific crimes is part of a new penal code under study. Bills of varying types await action in Alabama, New Jersey and South Carolina.

U.S. NEWS & WORLD REPORT
March 4, 1974

Whatever Happened to . . .

CAPITAL PUNISHMENT: IT'S BEING REVIVED IN MANY STATES

Despite a Supreme Court ruling against it, the death penalty is far from being dead in this country.

It was 20 months ago that the High Court outlawed capital punishment - as generally applied. That ruling spared the lives of 631 people then under sentence of death. And yet today . . .

* At least 64 other Americans sit "death row" in 12 states, condemned to execution since that historic Court decision of June 29, 1972.
* Twenty-one States have enacted new death-penalty laws, designed to meet objections raised by the Court.
* At least four States have capital-punishment laws that were on the books before the Court ruling and which they consider still valid.
* Several States are considering measures to restore the death penalty.
* President Nixon proposed, in his recent state-of-the-union message, a federal law for "restoration of the death penalty under the Federal Criminal Code for several especially heinous specific crimes which result in the death of innocent victims," including such crimes as hijacking, kidnapping or bombing.
* Several bills - including constitutional amendments - are pending in Congress to make death mandatory for specific types of crimes covered by federal law.

All this is stirring a hot new dispute over the legality - and morality - of execution as a form of punishment.

COURT'S DECISION. The dispute is largely about the meaning of the Supreme Court's ruling.

In that split decision, 5 of the 9 Justices agreed that, in the three cases before the Court, a death penalty constituted "cruel and unusual punishment" in violation of the U.S. Constitution.

But only two Justices agreed that execution is unconstitutional under any circumstances. And four Justices - all Nixon appointees - voted to uphold the State death-penalty laws involved.

In all, there were nine different opinions written - one by each Justice. And there were almost that many differing views of why, and under what conditions execution may be justified.

Ever since then, lawmakers have been trying to devise laws the Court might approve. Two States restored the death penalty in 1972, and 19 acted in 1973. Among States now considering the question are New York and Pennsylvania.

Here are the 21 States which have enacted new capital-punishment laws:

Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Montana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah and Wyoming.

One objection raised by several members of the Supreme Court was that the death penalty was imposed "arbitrarily" or "acpriciously," with some people condemned for crimes similar to those for which others merely went to prison.

Justice William O. Douglas said the death penalty was "selectively applied" against the "poor and despised."

It was pointed out that of the 631 persons who were on "death row" in 1972, when the Supreme Court ruling was made, 364 - or 57.7 per cent - were nonwhite.

So, many States have attempted to answer that argument by making execution mandatory for conviction of certain offenses, thus leaving no discretion to judges or juries.

Some States now require a review of all death sentences. Others provide for a separate hearing, after conviction, to determine if execution is called for or if there were mitigating circumstances.

THE CONDEMNED. Despite these added precautions, the population of "death row" is even more heavily nonwhite today than it was in 1972. According to statistics compiled by the NAACP Legal Defense and Educational Fund, those newly sentenced to death up to January 21 included 25 Negros, 1 Indian and 17 Whites - a total of 67.9 per cent non-white. One of them is a woman.

No one has actually been executed in this country since 1967 - and it is considered unlikely that any executions will be carried out soon.

Fresh challenges to death-penalty laws are gradually making their way through the courts on appeal. Tennessee's Supreme Court on February 4 ruled that State's new law in violation of the State Constitution.

Another Supreme Court ruling is considered almost certain to be sought to clarify its earlier decision. And pending sentences are expected to be held up until that new ruling is made.

A new federal law for capital punishment is not expected this year, even though a subcommittee of the Senate Judiciary Committee has approved one such bill. The House Judiciary Committee-busily engaged in impeachment proceedings against President Nixon is seen as at least a temporary roadblock to death-penalty legislation.

This does not mean that executions will never be resumed in the U.S.

In a Louis Harris survey last year, 59 per cent of those Americans interviewed expressed themselves as favoring capital punishment, at least in principle.

Any new wave of kidnappings, murders of policemen or assassinations of public officials could add strong new impetus to a movement-already gaining ground in many parts of the country-for restoration of the death penalty.

U.S. NEWS & WORLD REPORT
Legal Defense Fund
March 4, 1974

WHERE 64 ARE UNDER SENTENCE OF DEATH

Number of persons awaiting execution as of February 20 - - -

North Carolina	26
Florida	14
Georgia	9
Massachusetts	5
Montana	2
Texas	2
Louisiana	1
New Mexico	1
Pennsylvania	1
South Carolina	1
Utah	1
Virginia	1

BY CRIME: More than three fourths of the death sentences involved murder, with most of the rest imposed for rape.

BY RACE: Roughly two blacks for each white.

BY SEX: Virtually all are men

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EAU CLAIRE LEADER TELEGRAM
March 2, 1974

CAPITAL PUNISHMENT SUPPORT CITED

By Arthur L. Seb

Madison (AP) - Sen. Gordon Roseleip of Darlington wants capital punishment restored in Wisconsin. But he doesn't think the state should resort to hangings as it did when the West was young.

"The whole idea of hanging is part of the cowboy days," Roseleip said.

"I think we should use the electric chair," he said. "It would be quicker and more humane."

Roseleip, Republican chairman of the Senate Governmental and Veterans Affairs Committee, has sponsored a bill to restore capital punishment, a practice outlawed in the state in 1853.

"Everywhere I've spoken for capital punishment I get a hand," Roseleip said.

The Darlington lawmaker predicted the recent shootings of policemen in Milwaukee and Chicago will attract added support for his bill during the final four weeks of the current session.

"We've got to protect our law enforcement people," he said.

Roseleip's bill was heard recently be the Senate judiciary committee, which indicated in a preliminary vote it would recommend the proposal be killed.

After Sen. Gerald Lorge, R-Bear Creek, opposed the bill on ground that it failed to state how persons would be put to death, Roseleip offered an amendment calling for the electric chair.

Lorge said he believed the Roseleip proposal would muster considerable support, particularly in light of recent kidnappings of prominent persons.

"Some people feel that kidnappings are going to become a criminal fad like hijackings," Lorge said.

"We've got to get through to these people."

Lorge said he wasn't certain whether the electric chair would necessarily be the best method for society to take a person's life.

"I think it should be the most painless method, whatever that is," Lorge commented.

Roseleip's bill would provide the death penalty for the murder of a peace officer, a hired murder, murder by use of explosives, murder by an assassin, murder committed in the act of kidnapping or hijacking, murder committed by a person under a life sentence, and murder committed during the act of rape, arson, robbery or burglary.

The last person put to death in Wisconsin after sentencing was John McCaffary of Kenosha, who was hanged in 1851 for slaying his wife Bridget and stuffing her body down a well.

"Records indicate a crowd of about 2,000 to 3,000 persons attended the hanging," said Ronald McCauley, deputy state chief of corrections.

The hanging produced such a public outcry that capital punishment was abolished in 1853.

EAU CLAIRE LEADER TELEGRAM
March 8, 1974

NIXON FAVORS LEGISLATION TO RESTORE DEATH PENALTY

Washington (UPI) -- President Nixon Friday ordered his attorney general to prepare legislation restoring capital punishment for kidnappers who kill their victim.

In a statement, Attorney General William B. Saxbe said: "The only practical way to deter kidnappers is to make the penalty so severe that they will think twice before attempting it."

White House chief of staff Alexander M. Haig told reporters the President had "conveyed his concern on the increased kidnappings to Saxbe" at a White House dinner Thursday night and again Friday at a Cabinet meeting.

The Supreme Court ruled June 29, 1972, that the death penalty as now administered in the United States is "cruel and unusual punishment," forbidden by the Constitution because of the hit-or-miss manner in which various state laws on capital punishment are applied.

The Senate is planning to consider a bill next week that was written to satisfy the Supreme Court's objections. The measure would make the death penalty mandatory for federal crimes under certain conditions, including kidnapping in which a death occurs.

Saxbe's statement said he was "especially concerned" about the rash of kidnappings, singling out the case of Patricia Hearst's abduction in San Francisco.

"We are an open society," Saxbe said, "and we cannot place our children or other loved ones under constant guard."

Restoration of capital punishment "would not affect kidnappings" already committed," he said, "but it could help to prevent them in the future."

EAU CLAIRE LEADER TELEGRAM
January 29, 1975

DEATH PENALTY BILL PROPOSED

Madison ------ State Rep. Harry Snyder, R-Oconomowoc, says he is drafting a bill calling for a mandatory death penalty in certain convictions of the first-degree murder.

It would provide a death penalty for persons found guilty of slaying a law enforcement officer, prison employee or fireman acting in the line of duty.

The penalty also would apply to persons convicted of a contract murder committed for monetary gain; murder committed by a person previously convicted of murder; a murder committed in the act of attempted rape, arson, robbery or burglary; or murder during flight from a serious crime.

Wisconsin has not had a death penalty since 1853.

MILWAUKEE JOURNAL
February 23, 1975

A BARBARIC IDEA

State Rep. Klicka (R-Wauwatosa) has a gruesome idea. He's proposing whether the state should have a death penalty for certain crimes.

Is that necessary? Wisconsin did away with capital punishment in 1853 and has had no reason to regret it. To this day, there is no convincing evidence that the death penalty deters crime. Even if there were, it seems impossible to set truly fair standards for judges and juries to use in deciding who among the convicted should pay with their lives.

Take homicidal crime. Yale Law School Prof. Charles Book notes that in many states "malice" is the difference between murder (punishable by death) and manslaughter (punishable by imprisonment). But what really is malice? Such a mushy standard, Book contends, is "no test at all, but merely an invitation to arbitrariness and passion, or even to the influence of dark unconscious factors" on jurors.

Making the state a killer — in vague hope of deterring some hypothetical crime — is a retreat into barbarism, especially when there is risk of irreversibly executing someone later found innocent. Must we really put all this to a vote?

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I. GENERAL

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CHANGING VIEWS ON CAPITAL PUNISHMENT

PART I.

1. DEFINE: CAPITAL PUNISHMENT

2. WHAT DO WE MEAN WHEN WE SAY THE DEATH PENALTY IS CONSTITUTIONAL OR UNCONSTITUTIONAL?

3. IN COLONIAL AMERICA, WHAT CRIMES WERE PUNISHABLE BY DEATH?

4. HOW WOULD YOU DEFINE "CRUEL AND UNUSUAL PUNISHMENT"?

5. WHY DID THE SUPREME COURT, IN 1972, DECLARE CAPITAL PUNISHMENT UNCONSTITUTIONAL?

6. HOW DID THE STATES REACT TO THE 1972 SUPREME COURT DECISION?

7. WHAT HAS BEEN THE RESPONSE OF THE SUPREME COURT TO NEW DEATH PENALTY LAWS?

PART II.

1. LIST THE CRIMES CURRENTLY CONSIDERED AS POSSIBLY PUNISHABLE BY DEATH.

2. WHEN WAS THE LAST PUBLIC EXECUTION IN THE UNITED STATES?

3. WOULD YOU ATTEND A PUBLIC EXECUTION? WHY? WHY NOT?

PART III.

1. ACCORDING TO PUBLIC OPINION POLLS, WHAT PERCENTAGE OF AMERICANS FAVOR CAPITAL PUNISHMENT?

2. WHY HAVE JURIES OFTEN SHIED AWAY FROM VERDICTS THAT COULD LEAD TO THE DEATH PENALTY?

3. HOW & WHY IS THE CARRYING OUT OF THE DEATH PENALTY OFTEN DELAYED?

PART IV.

1. WHY DO SOCIETIES IMPOSE DEATH PENALTIES?

2. WHY HAS THE HISTORICAL TREND BEEN AWAY FROM CAPITAL PUNISHMENT?

3. DO YOU THINK THE DEATH PENALTY DISCOURAGES CRIMINALS? (WHY OR WHY NOT?)

4. WHAT IS THE POSITION OF PROF. BOWERS? WHAT IS HIS SUPPORTIVE ARGUMENT?

5. WHY DO YOU THINK IT HAS BEEN THAT MOST PEOPLE SENTENCED TO DEATH ARE MEMBERS OF MINORITY GROUPS?

6. WHY WAS GARY GILMORE EXECUTED? WAS IT JUSTIFIED?